3

IN THE HIGH COURT OF CHHATISGARH AT BILASPUR

P.I.L.W.P.No. 2475 /2001

P. R. No. 2472
Presented by Shri Roop Hark
dated 24/11/01

PETITIONER

Sandeep Shrivastava,
aged about 30 yrs,
S/o Shri Jai Narayan
Shrivastava,
R/o-371, Sundar Nagar,
Raipur (C.G.)

VERSUS

RESPONDENTS

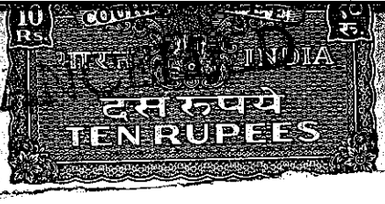
1. State of Chhattisgarh
Through the Chief Secretary,
Mantralaya, D.K.S.Bhawan,
G.E.Road, Raipur (C.G.)
2. The Principal Secretary/
Secretary to the Government
Of Chhattisgarh, Development
Of Town & country Planning,
Mantralaya, D.K.S.Bhawan,
Raipur (C.G.)
3. The Director, Town & Country
Planning Department,
Government of Chhattisgarh,
Raipur (C.G.)
4. The Joint Director, Town &
Country Planning Department,
Phool Chowk, Raipur (C.G.)
5. District Registrar & Collector
Of Stamps, Raipur (C.G.)
6. Sub-Registrar,
Sub-registrar office,
Collectorate Campus,
Raipur (C.G.)
7. The Sub Divisional Officer,
Raipur (C.G.)
8. Director, Panchayat Government
Of Chhattisgarh, Raipur (C.G.)
9. Municipal Corporation,
Malviya Road, Raipur (C.G.)

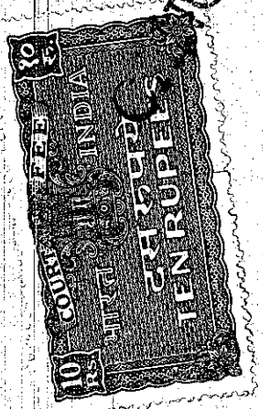
उपायुक्त, बिलासपुर 22/11/01

RECEIVED COPY.
24.11.01
CLERK TO A.G. BILASPUR
Accepted
14/12/01

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR FOR ORDER (S), AND/OR FOR DIRECTION (S) IN THE NATURE OF WRITS.

The petitioner most respectfully showeth as under:-





PETITIONE

W.P.R. No. 24
Presented by
dated .....

RESPONDENT

RECEIVED
CLERK

Respondent No.10. Raipur Development Authority
Through: Chief Executive
Officer, Raipur Development
Authority, Raipur, (C.G.)

Amended as per court order dt. 21-12-2002 14-02-2002

PETITION UN
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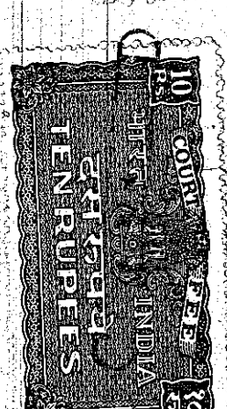
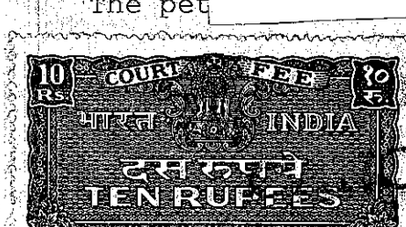
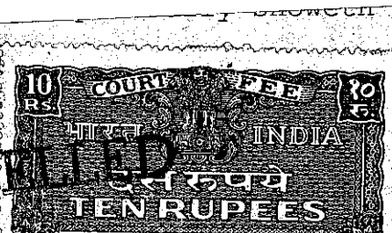


The pet [illegible] as under:-





KLLED

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

106

आदेश पत्रक

मामला क्रमांक W.P. No 2475/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: Hon'ble Justice K.H.N. Kuranga,C.J.
& Hon'ble Justice Fakhruddin, J.

14.3.2002

Heard Shri Kishore Bhaduri Advocate for the petitioner and Shri Ravindra Shrivastava, Advocate General with Shri Sanjay K. Agarwal, Deputy Advocate General for the respondents No. 1 to 8; and Shri Manindra Shrivastava, counsel for the Respondents No. 9 and 10.

The petitioner in this petition has prayed as under:

(i) A writ of and/or in the nature of Mandamus do issue commanding and directing the Respondent State authorities not to give any and/or further effect to the administrative order Annexure P/2.

(ii) A writ of and/or in the nature of Certiorari do issue quashing the Annexure P/2.

(iii) The respondents be commanded with a writ of mandamus to left the ban on the construction and development of the land falling within 5 K.M. periphery, as imposed by them vide their non-statutory administrative order by directing the Sarpanch and the Town and the Country Planning Department not to give permission for construction

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

107

आदेश पत्रक

मामला क्रमांक W.P. No. 2475/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and also prohibiting from approval of the map from town and country planning department.

(iv) To issue a writ of and/or in the nature of quo/warranto commanding and directing the Respondent State authority and power in issuing either the Annexure P/2 or in imposing the aforesaid ban with the periphery of 5 K.M.

(v) To issue such other appropriate writ, order or direction as may appear to the Hon'ble Court just, fit and proper in the facts and circumstances of the present case.

(vi) To award full cost of the present petition to the petitioners.

(vii) To award compensatory cost to the petitioner for espousing a genuine and bonafide public cause.

Reply is filed

On behalf of the respondent No. 1 to 8 in which it is stated in Para 6.8 that 'in reply to para 5.7 and 5.8 of the petition it is submitted that the general rider imposed for permission for construction of building in the vicinity of 5 Kms of Raipur has been lifted but is limited to the illegal colonies existing.'

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.2475/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Mr. Advocate General submitted that the ban imposed has been lifted for the time being except illegal colonies. This submission is placed on record. The petition is disposed of as premature with liberty to the petitioner to file afresh if ~~case~~ need ~~be~~ ~~so~~. **Sd/-** **Chief Justice**	**Sd/-** **Fakhruddin** **Judge**